

AALS CLINICAL SECTION NEWSLETTER

FALL 2012

Message from the Chair



Robert L. Jones, Jr. (Notre Dame), Chair, Section on Clinical Legal Education

One pleasure of serving as the Section's Chair is having a vantage point on the work that hundreds of Section members are doing on our behalf each and every day. I recently attended a wonderful Midwest Clinical Conference hosted by **Saint Louis University**, one of a number of regional conferences supported this year by your Clinical Section dues. I look forward to the Section's events at the upcoming AALS Annual Meeting and a historic conference next spring in Puerto Rico. In the meantime, Section committees are hard at work supporting empirical public interest research, mentoring new clinicians, nurturing clinical scholarship, recognizing the achievements of our colleagues, promoting greater diversity in leadership, improving externship pedagogy, protecting our colleagues from political interference, exploring new ways to use technology, developing transactional pedagogy, and engaging in many other activities designed to further our professional development. You can get a sense of the breadth of these activities by reading the committee reports and reviewing the list of section committees contained in this newsletter.

I'd like to highlight a few events at the upcoming AALS Annual Meeting, which I hope many of you will attend.

Joint Program on Consumer Debt Issues. The Clinical Section and the Poverty Law Section will present a joint program on Saturday, January 5th entitled **"The Debt Crisis and the National Response: Big Changes or Tinkering at the Edges?"**

The program will explore ways in which our clients and communities have experienced the national debt crisis. Specifically, the program will consider the nation's response to the crisis, considering the impact (or lack of impact) of new and proposed federal and local regulations on some of the major debt-related issues, including predatory lending, mortgage fraud,

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This newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.

credit reporting, debt recovery, and litigation surrounding contested debt. The Planning Committee, consisting of **Co-Chairs Mary Spector** (SMU) and **Jessica Steinberg** (George Washington), with **Gina Calabrese** (St. John's), **Jaime Dahlstedt** (Arizona State), **Prentiss Cox** (Minnesota), **Elizabeth McDowell** (UNLV), **Megan Ryan** (Berkeley), **Emily Benfer** (Loyola), and **Colleen Shanahan** (Georgetown), have put together an excellent program.

William Pincus Award Presentation. At the Section's January 5th luncheon, the Section will present the 2013 William Pincus Award to Georgetown Professor **Phillip Schrag** for his remarkable contributions to clinical legal education and social justice over a distinguished career. Many thanks to the Awards Committee, consisting of **Chair Alex Scherr** (Georgia), **Alan Minuskin** (Boston College), **Dana Thompson** (Michigan), **Susan Jones** (George Washington), and **Elizabeth (Betsy) McCormick** (Tulsa) for the many hours they spent reviewing nominations and selecting a highly deserving awardee.

Clinical Section Elections. The Clinical Section will hold its official annual business meeting at the end of the Saturday luncheon. The sole order of business will be electing new officers and members of the Section's Executive Committee. The nominees are:

Co-Chairs Elect:

Charles Auffant (Rutgers Newark) (two-year term)

Mary Jo Hunter (Hamline) (two-year term)

Members of the Executive Committee:

Lisa Bliss (Georgia State) (three-year term)

Christine Cimini (Vermont) (three-year term)

John Francis (Washburn) (one-year term – completing unexpired term of Mary Jo Hunter)

Many thanks to the Nominating Committee, consisting of **Chair Kurt Eggert** (Chapman), **Carl Warren** (Minnesota), **Deborah Maranville** (Washington) **Binny Miller** (American), **Robert Lancaster** (LSU)

The Section needs your ideas and service. The Section's Executive Committee will be holding a retreat at the 2013 Annual Meeting to discuss ways to improve member services. Please contact me (**rjones1@nd.edu**) or the incoming co-chairs **Liz Cooper** (Fordham) (**ecooper@fordham.edu**) and **Marisa Cianciarulo** (Chapman) (**cianciar@chapman.edu**) with your ideas and to volunteer to serve on a Section committee.

The Section needs your support to continue its important work. Members of the Executive Committee are contacting every clinical program director and encouraging the directors to sign up and pay membership dues for all their clinicians. Please check with your director to make sure that is happening at your law school. If payment as a group is not possible at your school, you may pay online at: **https://memberaccess.aals.org/eWeb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=2546c8e7-1cda-46eb-b9f3-174fc509169b**.

Section membership dues are only \$15/year for the 2012-13 academic year.

Finally, great appreciation and thanks go to the Section's Newsletter editor, **Liz Hubertz** (Wash U.). Liz's work is vital to the Section's sense of community.

Thank you everyone for your service to the Section, and for making my year as chair such a rewarding experience.

Bob

**Notice of Election of New Officers
and Members of the Executive Committee
AALS Section on Clinical Legal Education**

To the Members of the AALS Section on Clinical Legal Education: There will be a membership vote on a slate of new Section officers and members of the Executive Committee during the Section's business meeting on Saturday, January 5, 2012 at the AALS Annual Meeting.

The following slate of new Section officers and members of the Executive Committee was recommended by the Section's Nominating Committee, and the slate has received the unanimous approval of the Section's Executive Committee:

Co-Chairs Elect:

Charles Auffant (Rutgers Newark) (two-year term)

Mary Jo Hunter (Hamline) (two-year term)

Members of the Executive Committee:

Lisa Bliss (Georgia State) (three-year term)

Christine Cimini (Vermont) (three-year term)

John Francis (Washburn) (one-year term – completing unexpired term of Mary Jo Hunter)

The Section's bylaws also permit nominations from the floor.

2013 William Pincus Award

The Clinical Section's Executive Committee, upon the recommendation of the Section's Awards Committee, has chosen **Georgetown Professor Philip G. Schrag** as the recipient of the 2013 William Pincus Award for outstanding contributions to the cause of clinical legal education. The award will be presented at the Section's luncheon on Saturday, January 5th at the AALS Annual Meeting in New Orleans.

The following is a brief synopsis drawn from the Awards Committee's report:

From the earliest part of his career, Professor Schrag has confronted and overcome the problems inherent in the design of clinical programs. His work at Columbia Law School in the 1970's reflects experimentation in clinical models that were new and untested at the time, including large test case litigation and outreach from Columbia to the Harlem office of the Legal Aid Society of New York. At Georgetown, Professor Schrag created the Center for Applied Legal Studies ("CALs"), a clinical program that has handled social security disability cases, consumer protection cases and (since 1995) asylum cases. Beginning at Columbia and continuing at Georgetown, Professor Schrag became an advocate for the non-directive style of supervision in small case clinical teaching that now represents a dominant model of clinical supervision. He has served as a mentor to an entire generation of clinical professors.



Professor Schrag also advocated effectively for improving the status of clinicians at Georgetown, leading ultimately to parity in salary and governance between clinicians and non-clinical faculty and the conversion of clinicians to tenured status. Finally, Professor Schrag successfully advocated for credit allocations for clinical programs that more accurately reflect the work required in an intensive clinical environment.

Professor Schrag's scholarship covers an enormous range and diversity of topics. Professor Schrag has also had an enormous impact on the ability of law students to sustain a career in public interest law, through his advocacy on federal loan forgiveness with the U.S. Congress.

Professor Schrag's remarkable contributions to the advancement of justice include writing the prevailing brief in the United States Supreme Court case that ended the practice of pre-judgment wage garnishment. *Sniadach v. Family Finance Co.*, 395 U.S. 337 (1969). He drafted New York City's Consumer Protection Law, one of the strongest municipal laws in the country. He worked on arms control, serving at one point as legal counsel to the U.S. delegation to the

negotiations for a comprehensive nuclear test ban treaty. With Professor Michele Pistone, he successfully blocked Congressional enactment of a 30-day statute of limitations on asylum applications.



Service Project at the 2013 AALS Annual Meeting

If you are planning to attend the 2013 AALS Annual Meeting, in New Orleans please register to attend the Service Project on the morning of January 7th.

Jointly sponsored by the Poverty Law and Pro Bono and Public Service Sections, the project will be a half day project (likely working on a building, park or playground) hosted by the Lower 9th Ward Center for Sustainable Engagement and Development. It is a chance to give back to the conference's host city, and for those who participated in the SALT project with CSED a few years ago, a chance to revisit an organization and community.



You can learn more about our hosts here: <http://www.sustainthenine.org/> and the annual meeting information is here (the project is meeting code 7100) : <http://www.aals.org/events/annualmeeting.php>.

There is no fee for participation or transportation, but there will only have room for participants who have not registered in advance if space is available.



The **Section on Balance in Legal Education** will present a program of likely interest to many clinicians during the AALS Annual Meeting on January 4 at 2-5 p.m. The first 90 minutes will focus on innovative educational approaches, including progressive methods at the newest AMA approved medical school in the U.S., and the George Washington Law School innovation to the first year to generate professionalism and career direction. We will also present snapshots of the newest research contrasting the impacts on attorney well-being of high income, motivation, service values, and other psychological factors. The second 90 minutes will feature a diverse cross-section of classroom strategies to generate engagement and enjoyment in students.

COMMITTEE REPORTS

AALS Annual Meeting: The Debt Crisis and the National Response: Big Changes or Tinkering at the Edges?

The sections on **Clinical Legal Education** and **Poverty Law** will present a Joint Program at the AALS Annual Meeting on Saturday, January 5 at 10:30 a.m. The program will explore ways in which our clients and communities have experienced the national debt crisis. Panelists will bring a diverse range of experiences and expertise to the topic as they consider the response of courts and clinics to the crisis, as well as the impact (or lack of impact) of new and proposed federal and local regulations on some of the major debt-related issues. Panelists include the **Honorable Fern A. Fisher**, Deputy Chief Administrative Judge of the New York City Courts and Director of NYS Access to Justice Program, a leader in strengthening court procedures to protect consumers from abusive collection litigation; Clinical Professor **Judith Fox**, who directs the Economic Justice Project of the Notre Dame Legal Aid Clinic where she and her students represent clients at the center of the debt crisis; **Dalie Jimenez**, of the University of Connecticut School of Law, who was selected from the Call for Papers for her work as part of a team of faculty, students, social scientists and lawyers working on a long-term study to evaluate the effect of specific types of intervention on consumers sued to collect credit card debt; Professor **Nathalie Martin** of the University of New Mexico School of Law, whose recent research considers the impact of predatory lending products on client communities and whose clinic work includes representation of homeowners in foreclosure; and Professor **Patricia McCoy**, an expert in financial services regulation at the University of Connecticut School of Law, who recently served at the Consumer Financial Protection Bureau where she oversaw the CFPB's mortgage policy initiatives. Joint program co- chairs **Mary Spector** of SMU Dedman School of Law and **Jessica Steinberg** of The George Washington University Law School will moderate the program. Selected papers will be published in *Georgetown Journal on Poverty Law and Policy*.



The **Scholarship Committee** of the AALS Section on Clinical Legal Education offers every clinician an opportunity for supportive, non-evaluative feedback on a scholarly work-in-progress from a clinical colleague with shared substantive expertise. We have already matched many writers and reviewers. If you have a draft of a work-in-progress and would like to be paired with a clinical colleague at another school, send a request to this address: clinicalpeer-network@gmail.com. We have an extensive database of clinicians willing to provide feedback

in your subject-matter area. If you are willing to offer constructive feedback, join our amazing database of subject-matter experts at this link: http://spreadsheets.google.com/viewform?key=pZsCVzJPWhTPxGN_ikLSZMQ&email=true or email Michele Gilman at mgilman@ubalt.edu. This is not a commitment to serve as a peer reviewer. You will simply be in our database, and when an author in your area of expertise asks for peer review, we will contact you to see if you are interested. **We are actively seeking more reviewers for our database.** If you have questions, send an email to clinicalpeernetwork@gmail.com. Happy writing!



The **Transactional Committee** held a productive meeting during the AALS Clinical Conference in LA (April 2012). We will meet during the AALS Annual Mtg in New Orleans (Jan. 2013) and at the Clinical Conference in Puerto Rico (April 2013). In January we will discuss launching a survey project to assess the impact of transactional clinics on former clinic students. If you have surveyed former students, please send us your survey instruments and survey results. As a reminder, the Committee's mission is to:

- a) Analyze the role of transactional clinics in clinical legal education recognizing the importance of entrepreneurship in the U.S. economy, the global economy and the emergence of new business structures in nonprofit, for profit and social entrepreneurship law, as well as the changing nature of American legal education;
- b) Support and advance the teachers and the teaching of doctrine, skills and values and scholarship in the specialized clinical context of transactional work;
- c) Support the advancement of a range of transactional clinical programs including but not limited to: microbusinesses, small business, entrepreneurship, community economic development, community lawyering, intellectual property, nonprofit law, affordable housing, arts and entertainment, and venture creation recognizing that the connective tissue of transactional clinical programs is job creation and national and international economic development.
- d) Coordinate with the AALS Section on Transactional Law and Skills.



NEWS FROM THE CLINICAL WORLD

The Lisa Foundation Patent Law Clinic at the Arizona State University / Sandra Day O'Connor College of Law has been accepted into the USPTO's Patent Law School Clinic Certification Pilot Program and its Trademark Law School Clinic Certification Pilot Program, which will allow law students to represent clients, under faculty supervision, on issues related to their applications before the USPTO. Schools selected for participation in this program are chosen because of their exemplary intellectual property curricula, effective outreach to inventor communities, and comprehensive client services.



Joseph Feller

The Natural Resources Law Clinic at the Arizona State University / Sandra Day O'Connor College of Law began operation this fall (2012) under the direction of **Professor Joseph Feller**. The clinic combines legal representation of clients with readings and classroom discussions of current developments and issues in natural resources law that are closely related to our cases. Our clients are individuals and non-profit organizations concerned with conservation of natural resources and protection of the environment. Cases in our first semester have comprised state and federal administrative proceedings concerned with groundwater conservation, endangered species protection, and public rangeland management.



In the fall, several clinical programs at **CharlotteLaw** moved into new off-site loft space in the west Charlotte community. **Clinic Director Carol Turowski** was on hand to oversee the move which expanded clinical opportunities and doubled the size of clinic space for students, faculty and staff. The clinic programs at the new site include Community and Economic Development, Entrepreneurship, Family Advocacy, Tax Controversy, Domestic Violence, Criminal Justice (spring 2013), Immigration Law (spring 2013). Also housed at the new location is the Innocence Project at CharlotteLaw, the Access to Justice Law Journal, the Neighborhood Advocacy Center (501(c)(3)) and the Small Practice Center, an incubator program which supports recent graduates interested in starting their solo or small firm legal careers.



Carol Turowski



The **Georgetown Juvenile Justice Clinic**, along with the Campaign for the Fair Sentencing of Youth, sponsored the 2012 National Convening of juvenile justice advocates on November 15 and 16, 2012 to share litigation and other advocacy strategies, build relationships, and move forward to implement the Supreme Court’s decision in *Miller v. Alabama* which abolished mandatory life without parole for children.



Under the supervision of **Professors Vanessa Merton and Jason Parkin**, the Pace Law School Immigration Justice Clinic (“IJC”) has been very active in learning how lawyers respond



Vanessa Merton

to sudden if not entirely unexpected developments in the law that generate large numbers of confused, concerned potential clients who think that they should take advantage of the opportunities, but need help figuring out their options and making decisions. This fall’s extension of Temporary Protected Status (“TPS”) for Haitians present in the United States since the deadly earthquake of 2010, in conjunction with President Obama’s authorization this summer of “Deferred Action for Childhood Arrivals” (“DACA”) – often erroneously referred to as “DREAMER” relief -- presented the IJC with an imperative



Jason Parkin

to create and offer large-scale, broad-based community education programs, coordinated and collaborated on with a multitude of civic organizations; educational, religious, and health care institutions; and local government offices and agencies.



The Truancy Court Program of the **University of Baltimore Center for Families Children and the Courts** has received unprecedented funding for the 2012-2013 school year. Funders include the Maryland Administrative Office of the Courts, the Governor’s Office of Crime Control and Prevention, the Crane Family Foundation, the Zanvyl and Isabelle Krieger Fund, and AT&T. The TCP has expanded to include ten public schools.



The American Bar Association (ABA) presented the **University of Maryland School of Law Environmental Law Clinic** the 2012 Award for Distinguished Achievement in Environmental Law and Policy during the ABA Annual Meeting in Chicago. The Award is given to a U.S. bar association, law school clinical program, non-profit institution, non-profit legal services program, law firm, or government program that provides representation, education or

advocacy on environmental matters that directly result in significant improvements in the substance, process or understanding of environmental law or policy. The Clinic, led by **Director Jane F. Barrett**, is the largest provider of pro bono environmental representation in Maryland and works to improve and enforce environmental laws and regulations in the Chesapeake Bay region to protect air and water quality.



Enrolling its first students in January 2013, the **Entrepreneurship Legal Clinic** at the **University of Nebraska College of Law** will offer an experiential learning opportunity to third-year law students interested in transactional law. The mission of the is to assist clients from the university, Lincoln, and communities all across Nebraska with basic legal needs arising in connection with starting new businesses. **Professor Brett Stohs** joined the faculty at the College of Law in March 2012 to establish and direct the activities of the Entrepreneurship Legal Clinic.



University of St. Thomas Law launched two new appellate clinics in the fall of 2012. One clinic, supervised by **Professor Gregory Sisk**, collaborates with students at the University of Arkansas under the supervision of **Assistant Professor Dustin Buehler** to represent indigent litigants before the 9th Circuit Court of Appeals. **Adjunct Professors Ben Casper** and **Kate Evans** supervise the 8th Circuit Immigration Appeals Clinic. Both clinics recently filed briefs and are looking forward to the opportunity of oral arguments in the spring.



The **Entrepreneurial Law Clinic (ELC)** at the **University of Washington School of Law** has been selected by the United States Patent and Trademark Office (USPTO) to participate in both the Trademark Law School Clinic Certification and Patent Law School Clinic Certification Pilot Programs. ELC students will be able to draft and file trademark and patent applications as well as engage in other practitioner functions. In addition to this new development, in the past year, under **Managing Director Jennifer S. Fan**, the 19 JD, LLM and MBA students of the Clinic have served 30 ventures.



After returning from advisory meetings in Indonesia to assist new clinical law professors from eight Indonesian law schools, **Professor Kim Ambrose** is now leading the supervision of the clinical work of four of these professors. They are attending the **University of Washington Law School** as part of a multi-year, USAID funded, E2J Project (Equipping Tomorrow's Justice Reformers). Enrolled in the LLM program, these professors are focusing on teaching clinical legal education and are participating as students in some of the eleven clinics at UW Law. After completing their LLM degrees they will return to their respective universities in Indonesia and teach new clinics that focus on environmental, anti-corruption, women, children and criminal issues.



Kim Ambrose



The **Appellate Advocacy Clinic** at **Wake Forest Law** is a two-semester course for 3Ls directed by **Professor John Korzen**. This year the clinic has ten students and six appeals, including four in the Fourth Circuit, one in the Eleventh Circuit, and one in the North Carolina Supreme Court. Two of the clinic's students have argued in the Fourth Circuit this semester. On September 18, Morgan McCall argued in *Estep v. Ballard*, a habeas case that originated in West Virginia state court. On October 25, Mary Beth Usher argued in *United States v. Fugit*, where the issues are whether a conviction for enticement of a minor to engage in sexual activity requires physical contact, and whether Fugit's trial counsel provided ineffective assistance of counsel by advising Fugit to plead guilty to the charge.



The **Civil Rights, Community Justice & Mediation Clinic** at **Washington University** was recently successful in getting St. Louis County to adopt an ordinance providing for mandatory mortgage loan foreclosure mediation and also successful in defeating a court challenge to the ordinance. Several clinic students played key roles throughout the process -- initial research on the foreclosure problem across the country, drafting the ordinance, media and lobbying efforts, negotiations on amendments to the ordinance, and research on motions for a TRO and summary judgment.

HIRING and PROMOTIONS

Boston College Law School is pleased to announce the appointment of **Professor Paul Tremblay** to a new position at BC Law: **Faculty Director of Experiential Learning**. As Faculty Director of Experiential Learning, Tremblay will be responsible for coordinating experiential learning throughout the curriculum to ensure that every student will have reasonable access to significant experiential learning opportunities. With a director in place, the school intends to strengthen its established and nationally-known in-house clinics, its growing externship programs, and the increasing availability of practicum and simulation opportunities in classroom courses.



Professor Alicia Plerhoples joined the **Georgetown University Law Center** faculty in 2012 and will direct our newest transactional clinic serving the legal needs of social entrepreneurs and nonprofit organizations. She is a graduate of Harvard University, Princeton University's Woodrow Wilson School of International and Public Policy and Yale Law School where she served as senior editor of the *Yale Law Journal* and articles editor of the *Yale Journal of Law & Feminism*.



Julie K. Waterstone, Clinical Professor of Law and Director of the Children's Rights Clinic at Southwestern Law School, was recently promoted from Associate Clinical Professor to Clinical Professor of Law.



The **University of Arkansas Law School Legal Clinic** welcomes **Assistant Professor Annie Smith**, who has joined the Clinic to direct the **Civil Law Clinic**. Professor Smith most recently taught as a Visiting Associate Professor of Clinical Law and Interim Director of the International Human Rights Clinic at George Washington University School of Law.





The **Berkeley Law** faculty recently awarded tenure to **Ty Alper, Associate Director** of the **Death Penalty Clinic**. Before joining Berkeley Law, Ty was a staff attorney at the Southern Center for Human Rights in Atlanta. . Ty previously served as an E. Barrett Prettyman Fellow at Georgetown University Law Center's Criminal Justice Clinic, where he received an LL.M. in Trial Advocacy. With **Death Penalty Clinic Director Elisabeth Semel**, Ty has helped to build one of the nation's premier capital clinics. We are thrilled he is our colleague and delighted the faculty has recognized his exceptional teaching, writing and public service.



Professor Sherrilyn A. Ifill will become **President** and **Director-Counsel** of the **NAACP Legal Defense & Educational Fund, Inc. (LDF)**. The LDF is the nation's premier civil rights law organization. Professor Ifill, will become the seventh Director-Counsel and the second woman to head the organization. "Professor Ifill is an extraordinary member of our faculty," said UM Carey Law Dean Phoebe A. Haddon. "We are deeply proud that she has been called upon to lead this storied national organization at a critical time. Her intellect, vision, and life-long dedication to advancing justice will improve the rights of all."



Michael Bloom will be joining the faculty at the **University of Michigan School of Law** as **Clinical Assistant Professor** in January 2013. Prior to joining the Law School faculty, he was a lecturer in law and the executive director of the Corporate Lab Transactional Clinic, which he cofounded, at the University of Chicago Law School.



The **UW Clinical Law Program** recently welcomed **Stephen A. Rosenbaum** to the **University of Washington School of Law**. Steve is an experienced public interest lawyer who has taught part-time at Berkeley, Stanford and Golden Gate in a variety of simulation-based courses for many years. Currently, he is working with UW Law's Afghan Legal Educators Project. It brings Afghan law professors to the U. S. for education in the American legal education system (with a focus on clinical legal education), <http://www.law.washington.edu/AsianLaw/>

Research/Projects/AfghanEducators.aspx . As part of his overseas functions, Steve recently provided skills training to educators in Afghanistan.

Ana Cecilia Lopez, a JD and LLM, Taxation, graduate of the **UW Law School**, has joined the **Clinical Law Program**. She has been awarded a two-year Public Service Fellowship by the American Bar Association. Ceci is working with the **Federal Tax Clinic** and focusing on providing assistance to Spanish speaking small business owners throughout the state of Washington. The substance of the work she is doing involves specific client issues as well as community outreach.

Gretchen Viney has been named **Director of the Lawyering Skills Program** at the **University of Wisconsin Law School**.

PUBLICATIONS AND ACHIEVEMENTS

Annette Appell (Washington University) had the following publications:

Annette Appell, *Theory & Praxis in Reducing Women's Poverty*, 20 AM. U. J. OF GENDER, SOC. POL'Y & L. 763 (2012) (co-author)

Annette Appell, *Introduction to Access to Justice: Mass Incarceration and Masculinity Through a Black Feminist Lens*, 37 WASH U. J.L. & POL'Y 1 (2012) (co-author)

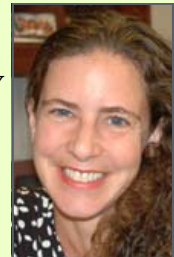
Annette Appell & Josh Gupta-Kagan, *Representing Children at the Intersection of Domestic Violence and Child Protection*, ST. LOUIS B. J. (Fall 2012)



Professor Barbara Babb, director of the **University of Baltimore School of Law Center for Families, Children and the Courts (CFCC)**, has co-authored with Professor David Wexler *Therapeutic Jurisprudence* for the Springer Encyclopedia of Criminology and Criminal Justice (2012).



Wendy Bach (University of Tennessee) published *Mobilization and Poverty Law: Searching for Participatory Democracy Amongst the Ashes of the War on Poverty*, Virginia Journal of Social Policy and the Law (Fall 2012).



Jane Barrett (University of Maryland) published the article "When Business Conduct Turns Violent: Bringing BP, Massey, and Other Scofflaws to Justice," 48 American Criminal Law Review 287 (2011).



Barbara Bezdek (University of Maryland) co-authored the book *Housing & Community Development: Cases and Materials* (4th ed.), and published the article "Dreaming in Chinese: Accountable Development," 27 Maryland Journal of International Law 48 (2012).



Tamar Birkhead (Duke) published *The Challenges of Defending Juveniles in Delinquency Court*, in PROMISE UNFULFILLED: JUVENILE JUSTICE IN AMERICA 88–104 (Cathryn Crawford ed., 2012).



Brenda Batton Blom (University of Maryland) published *Community Economic Development Law: A Text for Engaged Learning*, with co-authors Susan Bennett, Louise A. Howells, and Deborah S. Kenn (Carolina Academic Press). Contributed the book chapters “Mentoring and Professional Responsibility” (with Dorcas Gilmore) and “Charting a New Course: New Methods for Teaching Professional Responsibility in a Post-Carnegie World” (with others) in *Law and Leadership: Integrating Leadership into the Law School Curriculum* (P. Monopoli and G. Sorenson, eds.) (Ashgate Press, forthcoming), and “Legal Resource Networks” (with Philip Robinson) in *Reinventing the Practice of Law: Innovations for Lawyers Representing People* (L. Herrera, ed.) (American Bar Association, 2011). She has also been awarded the **Benjamin L. Cardin Distinguished Service** Award recognizing outstanding public interest attorneys who are regularly involved in providing, promoting, or managing civil legal services.



Christine N. Cimini (Vermont Law School) published *Undocumented Workers and Concepts of Fault: Are Courts Engaged in Legitimate Decisionmaking?*, 65 VANDERBILT L. REV. 389 (2012),



Douglas L. Colbert (University of Maryland) published the articles “Prosecution Without Representation,” 59 Buffalo Law Review 333 (2011) and “Clinical Professors’ Professional Responsibility: Preparing Law Students to Embrace Pro Bono,” 18 Georgetown Journal Of Poverty Law & Policy 309 (2011).



Kathleen Dachele (University of Maryland) Published the articles “U.S. Health Policy Related to Hookah Smoking,” 50 *Journal Of Ado-lescent Health* S12 (2012) (with others), and “Using Law to Improve Public Health: The Tobacco Example,” *New York State Bar Association HealthLaw Journal Special Issue: Public Health Law And Ethics* (2012).



Jerome Deise (University of Maryland) will publish “More Than a ‘Quick Glimpse of the Life?’ The Relationship Between Victim Impact Evidence and Death Sentencing,” 40 *Hastings Constitutional Law Quarterly* (forthcoming 2012) (with Ray Paternoster).



Jon Dubin (Rutgers— Newark) published the following:

Jon C. Dubin, *SOCIAL SECURITY DISABILITY LAW AND PROCEDURE IN FEDERAL COURT, 2012 ED.* (WITH CAROLYN A. KUBITSCHK) (THOMSONREUTERS/WEST PUBLISHING CO.).



Jon C. Dubin, *Scapegoating Social Security Disability Claimants (and The Judges Who Evaluate Them)*, American Constitution Society, Issue Brief, (2012) (co-authored with Robert Rains).

Jon C. Dubin, *The Labor Market Side of Disability Benefits Policy and Law*, 20 *S. CAL. REV. L. & SOC. JUST.* 1 (2011).



Jill Engle (Penn State Dickinson) will publish “**Promoting the General Welfare: Legal Reform to Lift Women and Children in the United States Out of Poverty**” in the *University of Iowa’s Journal of Gender, Race & Justice* .



John Francis (Washburn University), Gerry Glynn (Barry University) and Bob Jones (University of Notre Dame) published *When Things Go Wrong in the Clinic: How to Prevent and Respond to Serious Student Misconduct*, 41 UNIV. BALT. L. REV. 441-522 (2012).

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Sandy Freund (Rutgers — Newark) published: *Identity Theft in Tax Cases, in EFFECTIVE REPRESENTATION OF THE TAXPAYER BEFORE THE IRS* (ABA TAX SECTION 2011).

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Brittany Glidden (University of Denver) published the following:



Civil Rights Clinic “Requiring the State to Justify Supermax Confinement for Mentally Ill Prisoners: A Disability Discrimination Approach,” with Laura Rovner, ___ *Denv. U. L. Rev.* ___ (forthcoming fall 2012).

“Necessary Suffering?: Weighing Government and Prisoner Interests in Determining What is Cruel and Unusual,” ___ *Am. Crim. L. Rev.* ___ (forthcoming fall 2012).

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Leigh Goodmark (University of Baltimore) published: *Clinical Cognitive Dissonance: The Values and Goals of Domestic Violence Clinics, the Legal System, and the Students Caught in the Middle*, 2 Brooklyn Journal of Law and Policy 301 (2012) (symposium issue).

On November 5, 2012, the Harvard Civil Rights–Civil Liberties Law Review held a colloquium **on her** article, “Transgender People, Intimate Partner Abuse, and the Legal System.”

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Professor Jill Gross (Pace), Director of Legal Skills and Director of the Investor Rights Clinic published:

Investor Protection Meets the Federal Arbitration Act, 1 STAN. J. COMPLEX LITIG. ___ (forthcoming 2012) (with Barbara Black)

AT&T Mobility and the Future of Small Claims Arbitration, - 42 SOUTHWEST-



ERN L. REV. 47 (2012).

Arbitration Case Law Update 2012, in SECURITIES ARBITRATION 2012 (Practising Law Institute)

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Anjum Gupta (Rutgers—Newark) *Detrimental Reliance on Detrimental Reliance: The Courts' Conflicting Standards for the Retroactive Application of New Immigration Laws to Past Acts*, RUTGERS L. REV. COMMENTARIES (2011).

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Peter A. Holland (University of Maryland) will receive the **Arthur W. Machen, Jr. Award** for his significant contributions in the area of consumer law. This award is given annually to an attorney, usually in private practice, who has rendered extraordinary service by providing civil legal services to the poor or by improving the civil legal services delivery system for such persons. He also published: “The One Hundred Billion Dollar Problem in Small Claims Court: Robo-Signing and Lack of Proof in Debt Buyer Cases,” 6 *Journal of Business & Technology Law* 259 (2011).

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Robert C. Holmes (Rutgers—Newark) published the following:

Is There a Place for Indeterminate Suspension in the New Jersey Attorney Disciplinary System? 273-DEC N.J. LAW. 51 (2011).

IMPROVING TOURISM IN NEW JERSEY (REPORT TO THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY 2011).

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Jonathan Hyman (Rutgers—Newark) published the following:

The Roots of Impasse in the Mind of the Mediator, in DEFINITIVE CREATIVE IMPASSE - BREAKING TECHNIQUES IN MEDIATION (MOLLY KLAPPER, ED., 2011).

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Peter Joy (Washington University) published the following:

Why Lawyers Should Assess Lawyers' Ethics: A Review of Adrian Evans, ASSESSING LAWYERS' ETHICS: A PRACTITIONER'S GUIDE, 16 LEGAL ETHICS (forthcoming).
Client or Prospective Client: What's the Difference?, 27 ABA CRIMINAL JUSTICE (forthcoming).



Professor Deborah Kearns (Albany Law School), director of the Tax Clinic at Albany Law School, was recently named Program Chair for the Pro Bono and the Tax Clinic's Committee of the American Bar Association's Section on Taxation.



Brian Krumm (University of Tennessee) published:

State Legislative Efforts to Improve Access to Venture Capital, in Megan M. Carpenter, ed., *EVOLVING ECONOMIES: THE ROLE OF LAW IN ENTREPRENEURSHIP AND INNOVATION* (Edward Elgar Publishing 2012). He also recently coauthored an e-book, *The Entrepreneurial Law Clinic Handbook* (West Publishing 2012), along with George W. Kuney, Prof. and Director of the Clayton Center for Entrepreneurial Law at the University of Tennessee College of Law.



Robert Kuehn (Washington University) published *Clinical Faculty in the Legal Academy: Hiring, Promotion and Retention*, 62 J. OF LEGAL EDUC. 115 (2012) (co-authors).



Christopher Lasch (University of Denver) published:

"Symposium: Chaidez –An Opportunity for the Court to Continue its Path Away From 'Antiretroactivity' and Toward "Redressability." CrImmigration (November 5, 2012)

"Symposium: Chaidez and the Crumbling Foundations of the Teague Rule." CrImmigration (November 1, 2012) .



Randi Mandelbaum (Rutgers—Newark) published the following:

Randi Mandelbaum, *Disparate Outcomes: The Quest for Uniform Treatment of Immigrant Children*, FAMILY COURT REVIEW (forthcoming Fall 2012) (co-authored with Elissa Steglich).

Randi Mandelbaum, *Delicate Balances: Assessing the Needs and Rights of Siblings in Foster Care to Maintain Their Relationships Post-Adoption*, 41 N.M. L. REV. 1 (2011).



Nancy Maurer, (Albany Law School) director of the [Field Placement Clinic](#) at Albany Law School, co-authored a forthcoming article with Liz Ryan Cole (Vermont Law School) titled “Design, Teach and Manage: Ensuring Integrity in Field Placement Courses.” The article will be published in the next issue of Clinical Law Review.



Karla McKanders (University of Tennessee) had the following publications:

Immigration Enforcement and the Fugitive Slave Acts: Exploring their Similarities, Cath. L. Rev. (forthcoming fall 2012).

Anatomy of an Uprising: Women, Democracy and the Moroccan Feminist Spring, Texas Journal Women and the Law (forthcoming)



Jacqueline McMurtrie (University of Washington) , director of the **Innocence Project Northwest Clinic**, received the University of Washington’s 2012 Outstanding Public Service Award. This Award recognizes UW faculty and staff members who exhibit exemplary contributions to the common good through public service. The award selection committee seeks individuals whose efforts have improved the quality of people’s lives nationally or internationally. Among many other accomplishments, Jackie is a founding member of the national Innocence Network and serves on its Board of Directors.





Wallace Mlyniec (Georgetown) will publish *Developing A Teacher Training Program For New Clinical Teachers* the companion to an earlier article, *Where To Begin? Training New Teachers In The Art Of Clinical Pedagogy*, in the forthcoming Clinical Law Review.



Jason Parkin (Pace), Co-Director, Immigration Justice Clinic published: *Adaptable Due Process*, 160 U. PENN. L. REV. 1309 (2012) (winner of the American Constitution Society’s 2012 Richard D. Cudahy Writing Competition on Regulatory and Administrative Law).



Mae Quinn (Washington University) published *Feminist Legal Realism*, in WOMEN AND LAW (ed. Tracy Thomas 2012).



Joy Radice (University of Tennessee) published the following:



Administering Justice: Removing Statutory Barriers to Reentry, 83 U. Colo. L. Rev. 715 (2012).

A Better Balancing: Reconsidering Pre-Conviction DNA Extraction from Federal Arrestees, 90 N.C. L. Rev. Addendum 157 (2012) (with Kevin Lapp)

Derrick Bell’s Community-Based Classroom, 2 Colum. J. Race & L. Spec. Feat. 44 (2012).



Sarah Ricks (Rutgers-Camden) is visiting for 2012-13 at University of Pennsylvania Law School. She is helping to reform the One L legal research and writing curriculum and teaching a seminar from her casebook, *Current Issues in Constitutional Litigation: A Context and Practice Casebook* (Carolina Acad. Press 2011).



Sarah Rogerson (Albany Law School) has authored two articles:



“Unintended and Unavoidable: The Failure to Protect Rule and Its Consequences for Undocumented Parents and Their Children, was published by the Family Court Review in October (Volume 50, Issue 4).

“Domesticating Due Diligence: Municipal Tort Litigation’s Potential to Address Failed Enforcement of Orders of Protection,” will be published in a forthcoming issue of American University’s Journal of Gender, Social Policy & the Law .



Laura Rovner (University of Denver) will publish “*Requiring the State to Justify Supermax Confinement for Mentally Ill Prisoners: A Disability Discrimination Approach*,” with **Brittany Glidden**, ___ *Denv. U. L. Rev.* ___ (forthcoming fall 2012).



Robin Runge (University of North Dakota) published the following:

Robin Runge, Redefining Leave From Work, 19 *GEO. J. ON POVERTY L. & POL’Y* 445 (2012).

Robin Runge, Failing to Address Sexual and Domestic Violence at Work: The Case of Migrant Farmworker Women, 20 *AM U. J. GENDER SOC. POL’Y & L.* 871 (2012).



Michelle Salomon (University of Maryland) contributed to the chapters “Rape” and “HIV and AIDS” in *Namibia: Access to Justice Paralegal Manual* (2012), a manual for volunteer human rights educators that was a joint publication of the Clinic, New Perimeter (DLA Piper’s Global Pro Bono Initiative), and the Namibia Paralegal Association.



Scott Schumacher (University of Washington) published:

Scott Schumacher, *Handling a Case with Potential Criminal Problems, in 2 Effectively Representing Your Client Before the IRS 13-1 to -82* (Keith Fogg ed., 5th ed. American Bar Association 2011).



Scott Schumacher, Stevens: *Is Zealous Advocacy Obstruction of Justice?*, 132 Tax Notes 1169-76 (2011).

Scott Schumacher, *Innocent Spouse, Administrative Process: Time for Reform*, 130 Tax Notes 113-17 (2011).

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Robin Walker Sterling (University of Denver) published “Fundamental Unfairness: In re Gault and the Road Not Taken,” 72 Maryland L. Rev. ____ (forthcoming 2013).

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David B. Thronson (Michigan State), along with Frank P. Sullivan, published *Family Courts and Immigration Status*, 63 Juv. & Family Ct. J. 1 (2012).

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Veronica T. Thronson (Michigan State) had the following publications:

Veronica T. Thronson, *‘Til Death Do Us Part: Affidavits of Support and Obligations to Immigrant Spouses*, 50 FAM. CT. REV. 594 (2012).

Veronica T. Thronson, *Domestic Violence and Immigrants in Family Courts*, 63 JUV. & FAM. CT. J. 63 (2012).

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Jennifer Rosen Valverde (Rutgers—Newark) published *Integrating Educational Advocacy Into Child Welfare Practice: Working Models*, 20 AMER. U. J. GENDER, SOC. POL’Y & L. 201 (2011) (symposium issue) (with Cara Chambers, Megan Blamble Dho & Regina Schaefer).

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Penny M. Venetis (Rutgers— Newark) published the following:

Penny M. Venetis, *The Broad Jurisprudential Significance of Sosa v. Alvarez-Machain: An Honest Assessment of the Role of Federal Judges and Why International Law Can Be More Effective Than Constitutional Law For Redressing Serious Abuses*, 21 TEMP. POL. & CIV. RTS. L. REV. 41 (2011).



Penny M. Venetis, *Making Human Rights Treaty Law Actionable in the United States: The Case for Universal Implementing Legislation*, 63 ALA. L. REV. 97 (2011).

Penny M. Venetis, *The Unconstitutionality of Oklahoma’s SQ 755 and Other Provisions Like It That Bar State Courts From Considering International Law*, 59 CLEV. ST. L. REV. 189 (2011).



Valorie K. Vojdik, (University of Tennessee) published *Masculinities, Feminism, and the Turkish Headscarf Ban: Revisiting Sahin v. Turkey*, in Frank Cooper and Ann C. McGinley, eds., MASCULINITIES AND THE LAW (NYU 2012).



An excerpt of **Ellen Weber’s (University of Maryland)** article, “Failure of Physicians to Prescribe Pharmacotherapies for Addiction,” will be reprinted in *Controlled Substances: Crime, Regulation, and Policy*, (Alex Kreit) (Carolina Academic Press, forthcoming 2012).



Paulette Williams (University of Tennessee) published “Why I Teach,” in *Law Teacher* (Institute of Law Teaching and Learning Fall 2011, page 19).



ANNOUNCEMENTS

East Coast Professional Skills Program in Dispute Resolution - March 14-16, 2013

The Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law (C-DRUM) is proud to announce a partnership with Pepperdine University School of Law to present an **East Coast Professional Skills Program in Dispute Resolution** at our law school in Baltimore on March 14-16, 2013. There are eight different three-day, interactive workshops taught by top-notch faculty from which to choose, including:

STAR: A Systematic Approach to Mediation Strategies, *Peter Robinson and L. Randolph Lowry*

Advanced Mediation Skills and Techniques: *Bruce Edwards and Nina Meierding*

Winning at Mediation in the Complex Case: *Hon. Diane Leasure and Deborah T. Eisenberg*

Tools of Mindful Awareness for Lawyers, Mediators, Negotiators, Judges, Arbitrators, and Managers: *Len Riskin and Rachel Wohl*

Strategic Negotiation Skills: *Don Gifford and Barry Gogel*

Advanced Family Collaborative Law: *Pauline Tesler and David Fink*

ADR Programs in the Public Sector: *Toby Guerin and Howard Gadlin*

Dissecting the Complexities of Our Practice, Unreflective Decisions, Ethical Conundrums, the Impact of Diversity, and Other Knotty Problems that Mediators Face: *Marvin Johnson and Homer La Rue*

To register, or for more information, visit law.pepperdine.edu/straus or call Lori Rushford at 310-506-6342.



Save the Date - The theme of the Clinical Education Program's 13th Annual Access to Equal Justice Conference on November 1, 2013 will be Celebrating 40 Years of Clinical Education at Wash U: Pursuing Justice, Collaborating with the Community. The featured speaker will be Michelle Alexander, author of "The New Jim Crow: Mass Incarceration in the Age of Color Blindness."



Elon Law School – Humanitarian Immigration Law Clinic

Elon Law School, located in Greensboro, North Carolina, is seeking to fill a position in its Humanitarian Immigration Law Clinic. The position will be either tenure-track or 405(c) compliant depending on the applicant's qualifications.

Responsibilities include supervising students' case work, co-teaching the clinic's classroom component, some administration of the clinic, and the possibility of teaching a traditional classroom course. Cases undertaken by the clinic include primarily affirmative and defensive asylum, refugee/asylee family reunification, refugee/asylee adjustment of status, naturalization, and humanitarian parole. Salary is competitive,

Elon, a new law school, is fully ABA accredited and has been named by The National Jurist as one of the most innovative law schools in the country. Elon is a small school of excellence with a mission of preparing students for practice and an emphasis on engaged learning and leadership.

Please send applications to:

Peter T. Hoffman
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Director of Skills Programs
201 North Greene Street
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phoffman@elon.edu

Clinical Law Review Seeks Two Editors and Co-Editor-in-Chief

The Clinical Law Review seeks applications for two vacancies on the Board of Editors and for the position of one of the three co-Editors-in-Chief. The Board of Editors urges you to think about whether you would be interested, and to think about others whom you would encourage to apply.

Members of the Board of Editors serve for a term of 6 years. The term of the new Board members will commence in January 2014. Board meetings customarily are held twice a year: once at the annual Clinical Law Review Workshop at the end of September and once at the AALS Spring clinical workshop or conference. Board members are expected to attend meetings regularly. Policy matters for the Review and status of upcoming issues are discussed at these meetings. Throughout the year, Board members are asked to work with authors to edit articles. Board members also customarily serve as small group leaders in the Clinical Law Review Workshop.

The Review has three co-Editors-in-Chief. Kate Kruse is ending her term as co-Editor-in-Chief but will stay on the Board as an Emeritus Editor-in-Chief. Randy Hertz and Michael Pinard are the two other co-Editors-in-Chief, with whom the new co-Editor-in-Chief will work closely. The responsibilities of a co-Editor-in-Chief include final decisions on acceptance and rejection of pieces and the editing of articles. A considerable time commitment is involved but all three co-Editors-in-Chief endorse it as very rewarding work. The co-Editors-in-Chief also must attend Board meetings as previously described. The term of the new co-Editor-in-Chief will commence in January 2014. Familiarity with the operations of the Journal, through current or prior service on the Board of Editors, is preferred. The CLR bylaws set the EIC appointment at 6 years.

Applicants should explain their interest in the position and should highlight the aspects of their experience that they believe are most relevant. The Board seeks applications from people committed to the work of the Review and strives to select people with diverse backgrounds and varying experiences in and approaches to clinical legal education. Applications and supporting resumes must be received no later than April 1, 2013. Please email them to bbarton@utk.edu.

The committee to select new Board members is always chaired by a current Board member whose term is expiring. Ben Barton will be serving this year as the chair of the Selection Committee. The other members of the committee will be designated by the three organizations that sponsor the Clinical Law Review -- AALS, CLEA, and NYU -- each of which will designate two

committee members.

Please contact Ben Barton or other current or former Board members with any questions or for information about service on the Board or the work of a co-Editor-in-Chief.

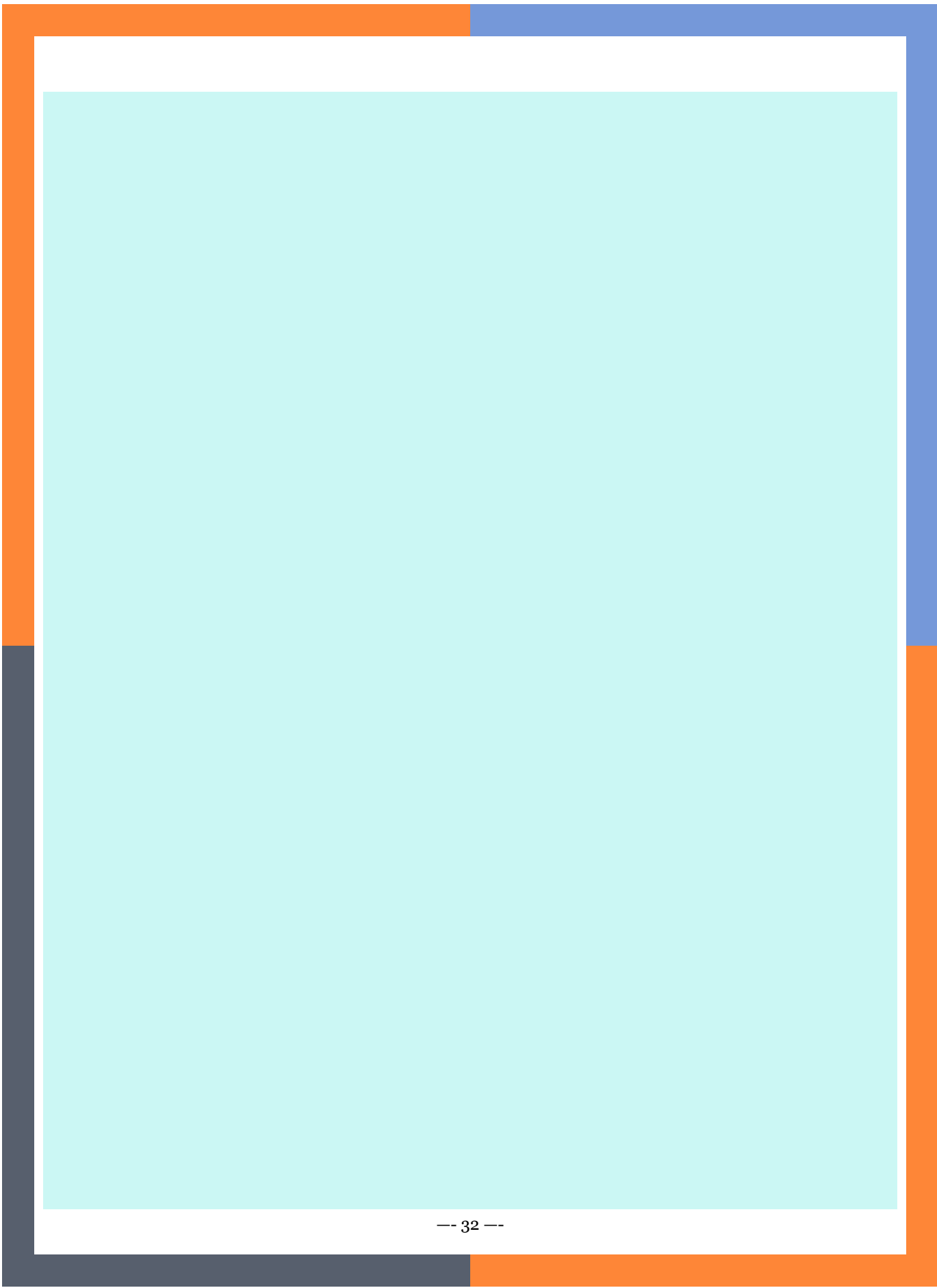
For more information:

- The other members of the Board are: Sameer Ashar, Margaret Martin Barry, Keith Findley, Michele Gilman, Phyllis Goldfarb, Carolyn Grose, Marty Guggenheim, Mae Quinn, and Brenda Smith.
- The current Editors-in-Chief are Randy Hertz, Kate Kruse, and Michael Pinard.
- Those who previously served on the Board are: Jane Aiken, Tony Alfieri, Bev Balos, Juliet Brodie, Angela Burton, Stacy Caplow, Bob Dinerstein, Jon Dubin, Cecelia Espenosa, Gay Gellhorn, Peter Toll Hoffman, Jonathan Hyman, Peter Joy, Minna Kotkin, Deborah Maranville, Bridget McCormack, Binny Miller, Kim O’Leary, Ascanio Piomelli, Paul Reingold, Jim Stark, Paul Tremblay, Nina Tarr, Rod Uphoff, and Leah Wortham.
- The Emeritus Editors-in-Chief are Richard Boswell, Steve Ellmann, and Isabelle Gunning.

Board members have found it a very rewarding and informative way to continue the advancement of clinical legal education.



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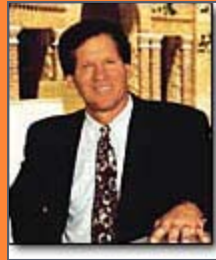


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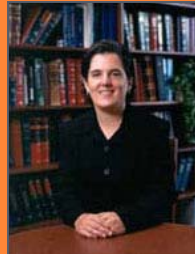
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